

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY



MARTIN LUTHER KING JR. FEDERAL BLDG. & U.S. COURTHOUSE
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WILLIAM J. MARTINI
JUDGE

LETTER OPINION

August 1, 2007

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Re: Connecticut Indemnity Co. v. Miguel Carela, et al.
Civil Action No. 2:05-CV-1988 (WJM) (MF)

Dear Counsel:

Presently before the Court is the last of three motions filed in the above-captioned matter. In this motion, Legion Insurance Company (In Liquidation) ("Legion") seeks summary judgment on various claims filed against it. Since most of the matters Legion raises have either been decided already or are now moot, and there are no facts in dispute, the Court shall not take long in addressing Legion's motion.

Legion's motion essentially contains four grounds. First, Legion moves for summary judgment on Connecticut Indemnity Company's request for a declaration that Legion owes defense and indemnity obligations in the underlying matter. Because this Court previously held that Legion's insolvency means that it no longer has collectible insurance, and that Connecticut Indemnity owes defense and indemnity obligations, this motion shall be **GRANTED**. Second, Legion moves to dismiss Miguel Carela and Pinnacle Freight Lines, Inc.'s cross-claims against it.

However, since Carela and Pinnacle have already withdrawn these cross-claims, this motion is now moot and will therefore be **DENIED**. Finally, Legion's moves to sever itself from this action pursuant to Federal Rule of Civil Procedure 19(a) and to bar the claims filed against it because it is in liquidation. Because the Court found in its previous opinion that Legion owes no obligation to any party in this case, and with today's order shall dismiss this action in its entirety, this motion is also moot and will be **DENIED**.

SO ORDERED.

s/William J. Martini

William J. Martini, U.S.D.J.